

## **REMARKS**

The present Amendment is in response to the Office Action dated March 3, 2006 in reference to the above-identified application. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by June 3, 2006. Filed concurrently herewith is a request for a two-month extension of time so that the present Amendment is due by August 3, 2006.

In that Office Action the Examiner rejected claim 6 under 35 U.S.C. §103 as being obvious over U.S. Patent No. 2,407,406 to Dutton in view of U.S. Patent No. 5,216,903 to Chen. The Examiner also rejected claim 23 under 35 U.S.C. §103 as being obvious over Dutton in view of Chen and in view of U.S. Patent No. 3,785,182 to Van Lahr. Applicant notes with appreciation that the Examiner has allowed claims 19-22 and has indicated that claim 7 includes patentable subject matter.

With regard to claim 6, Applicant respectfully disagrees with the Examiner that it would have been obvious to combine shank 26 of Dutton with the sleeves disclosed by Chen. There is no teaching, suggestion, or incentive to combine Dutton and Chen and therefore Obviousness cannot be established. (see *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). There is no suggestion that the lock disclosed in Dutton requires any further tamper resistance as provided by Chen. In fact Dutton explains that the "pin 26 are also of massive design so as to render the parts relatively difficult to saw. Sawing, breaking, or otherwise destroying the guide 42 does not effect unlocking of the padlock..." (Dutton '406: column 2, lines 20-25).

Applicant has elected, however, in the interest of furthering this application to allowance, to amend claim 6 to recite that the "the inner surrounding surface of said sleeve "is" in substantially confronting relation with the outer surrounding surface of

said shank over substantially the length of said sleeve thereby to achieve a close-fitted mated engagement with said shank.” Even if one were to combine Dutton and Chen the resulting lock would not teach all of the aspects recited in claim 6. In particular Chen teaches sleeves that are loosely fitted to the shank (see figures 5-7).

Claim 23 has not been amended. Applicant disagrees with the Examiner that it would have been obvious to combine the teachings of Chen and Van Lahr with Dutton. As explained above, there is no teaching, suggestion, or incentive to combine Dutton and Chen. Furthermore, there is no motivation to make the Dutton shank removable as in Van Lahr. Van Lahr teaches that the shackle be removed in order to re-key the lock cylinder. In addition, Dutton teaches, in contradiction to Van Lahr, that the shank is specifically designed to be retained by leg 44 and catch 56. (Dutton '406: column 2, lines 6-8). Applicant respectfully suggests that the Examiner has applied impermissible hindsight reasoning in order to combine Dutton with Chen and also with Van Lahr, and as such a prima facie case of obviousness has not been established.

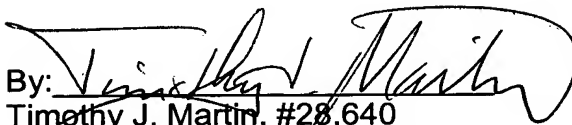
No additional claims fees are believed to be payable upon the Amendment. However, the Commissioner is hereby authorized to charge any deficiency in the required fees, or to credit any overpayment, to deposit account number 13-1940.

Based on the foregoing, Applicant submits that the present application is in complete condition for allowance, and action to that end is courteously solicited. If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney or agent for the Applicant at the telephone number listed below.



Respectfully submitted,

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that the foregoing **AMENDMENT (9 pages)**, and **REQUEST FOR A 2-MONTH EXTENSION OF TIME (2 pages)**, AND **CHECK NO. 19171 IN THE AMOUNT OF \$250.00** is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28<sup>th</sup> day of July, 2006.

  
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Marcie F. King